

Notice of Allowability

Application No.

10/508,897

Examiner

Andrew B. Freistein

Applicant(s)

ALI ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to IDS filed ~~3/23/07~~ 3/23/07.
2. ☒ The allowed claim(s) is/are 25 and 26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ~~3/23/07~~ 3/23/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

The amendment filed 2/27/2007 was entered. Claims 25 and 26 are pending.
Claims 1-24 were cancelled.

Information Disclosure Statement

Applicant's information disclosure statement (IDS), filed on 3/27/2007, has been considered. Please refer to Applicant's copies of the 1449 submitted herewith.

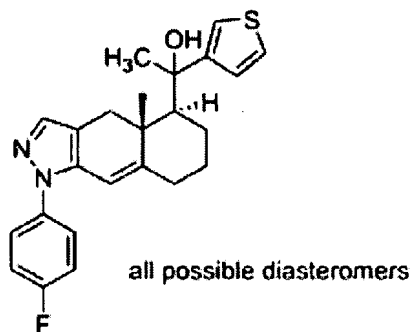
Restriction Requirement

The restriction requirement is maintained. Applicant has the right to file one or more divisional applications on non-elected subject matter.

Applicant is reminded that upon cancellation of claims to a nonelected invention, the inventions must be amended in compliance with 37 C.F.R. 1.48(b) if one of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 C.F.R. 1.48(b) and by the fee required under 37 C.F.R. 1.17(i).

Claim Rejections - 35 USC § 102

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Scanlan et al., US Pat. No. 6,831,093. Claims 1-21 were cancelled.



New claim 26 is drawn to the compound:

or a

pharmaceutically acceptable salt thereof. Although Scanlan et al. disclose this compound, Inventor Christopher F. Thompson submitted a declaration of prior invention and it is of record. Therefore, the rejection has been overcome and is withdrawn.

Claim Rejections - 35 USC § 103

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scanlan et al., US Pat. No. 6,831,093. As a result of the amendment filed 2/27/2007 and the declaration of prior invention by Christopher F. Thompson, the rejection is withdrawn.

Claim Rejections - 35 USC § 112

Claim 17 was rejected under 35 USC 112. Claim 17 was cancelled and this rejection is withdrawn.

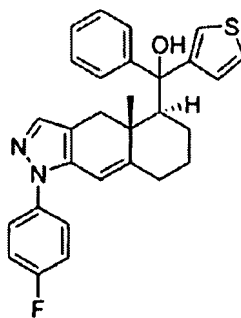
Examiner's Amendment


An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

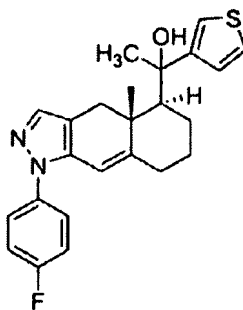
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Authorization for this examiner's amendment was given during a telephone interview with Attorney Raynard Yuro on April 19, 2007.

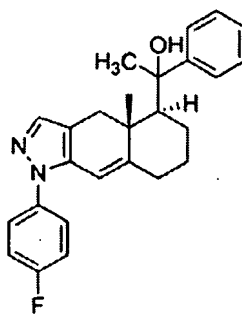
This application has been amended as follows:




1. In claim 25, after the structure, "  ", and before, "all possible diastereomers", insert --and--.



2. In claim 26, after the first structure, "  ", and before, "all possible diastereomers", insert --and--.



3. In claim 26, after the second structure, "  ", and before, "all possible diastereomers", insert --and--.



Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew B. Freistein whose telephone number is (571) 272-8515. The examiner can normally be reached Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph M^cKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Andrew B. Freistein
Patent Examiner, AU 1626

 
GOLAM M. M. SHAMEEM, PH.D
PRIMARY EXAMINER
Joseph K. M^cKane
Supervisory Patent Examiner, AU 1626
Date: April 19, 2007